



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

February 2, 2012

Sandra Henning, District Ranger
Paulina Ranger District
Ochoco National Forest
3160 N.E. 3rd Street
Prineville, Oregon 97754

Re: U.S. Environmental Protection Agency (EPA) comments on the Ochoco National Forest (Forest) Jackson Vegetation Management Project (Project) Draft Environmental Impact Statement (DEIS) (EPA Project Number: 10-060-AFS).

Dear Ms. Henning:

The EPA has reviewed the Project's DEIS in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

Section 309 specifically directs the EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Our review considers the expected environmental impacts and the adequacy of the EIS in meeting procedural and public disclosure requirements of the NEPA. We have assigned a Lack of Objections (LO) rating to the DEIS. A copy of our rating system is enclosed.

Overall, we believe that the proposed activities would move density and species composition toward a balance of seral/structural stages within the historic range of variability (HRV). We also believe that the proposed activities in Riparian Habitat Conservation Areas (RHCAs) would encourage alder, willow, aspen, and other broadleaf species to expand. For this Project, and likely others with similar existing conditions, moving toward a historic range of variability with expanded riparian broadleaf vegetation is consistent with full protection of the environment.

We also believe that the Project Design Features (PDFs) are appropriate and protective. The PDFs for activities in RHCAs, for example, appear to appropriately protect surface water quality (e.g., through the application of shade 'setbacks') while allowing for activities which will improve riparian conditions over time. Regarding sediment from roads, the PDF commitment to till and waterbar closed roads utilized during implementation that are within 200 feet of Class I-IV streams is appropriate because it could lead to long-term sediment decreases over the existing condition.

While we agree that the proposed activities in RHCAs would likely benefit water quality in the longer term, we remain interested in additional specific supporting evidence for long term shade and stream temperature improvements. We accept the Forest's assertion that, "Riparian vegetative potential (and associated stream shade) is assumed to be much greater than what currently exists."¹ We also accept the

¹ DEIS, p. 119

Forest's logical description of the general principles underlying the conclusion that broadleaf enhancement activities would result in long term shade and temperature improvements.² The DEIS references the NWFP Temperature TMDL Implementation strategy, but does not cite specific evidence that supports long-term shade related benefits for stream temperature from broadleaf enhancement.

Recommendations:

- We encourage the Forest to include relevant citations related to shade response and/or stream temperature from broadleaf enhancements.
- We encourage the Forest to pursue the temperature monitoring proposed in the DEIS and believe the related findings will be useful for future empirically based conclusions of the short, medium and long term shade and stream temperature effects of broadleaf enhancements.

Thank you for this opportunity to comment. If you have any questions regarding the EPA's comments, please contact me at (206) 553-1601 or by electronic mail at reichgott.christine@epa.gov, or Erik Peterson of my staff at (206) 553-6382 or peterson.erik@epa.gov.

Sincerely,



Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Enclosure:

EPA Rating System for Draft Environmental Impact Statements

² "Under Alternative 2 (preferred), it is anticipated that shade would increase over the next 5-10 years due to higher vigor of existing (and recently planted) hardwoods once some of the conifer canopy and understory is removed. Increased shade from the hardwoods would lead to incrementally lower temperatures in streams..."

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.